

COMMONWEALTH OF AUSTRALIA
Statutory Declarations Act 1959

IN THE MATTER of National Phase Entry in the
USA of PCT/AU2004/000211

and

IN THE MATTER of Australian Patent Application
No. 2004213063


STATUTORY DECLARATION

I, Dennis Michael Mesecke of 189/199 Toorak Road South Yarra Victoria Australia make the following declaration under the Statutory Declarations Act 1959:

1. I am a director of Wonder Water Pty Ltd (hereinafter referred to as 'Wonder Water'), and have been employed by Wonder Water for 3.5 years and have held the position of director for the same time and that I am able to make this Declaration based on my knowledge of Wonder Water's affairs and access to its records.
2. Richard Smoorenburg of Smoorenburg Patent & Trademark Attorneys ('Smoorenburg') had been acting for Wonder Water and the Applicant of PCT application PCT/AU2004/000211 (hereinafter referred to as the 'PCT application') in drafting and filing the PCT application.
3. The PCT application was filed 21 February 2004, based on two Australian filed priority provisional patent application filings dated 24 February 2003 and 30 September 2003.
4. There were payment problems in respect of the account with Smoorenburg, and this led Smoorenburg to email the Applicant on 17 Jan 2005 stating that we would no longer act and that "There are deadlines regarding your cases, which we will NOT be attending to".
5. The Applicant (it was later found out) did not receive this email and thus were not aware that Smoorenburg was no longer acting for them.
6. The 30-month date was 24 August 2005, however, the Applicant was of the belief that Smoorenburg would provide reminders in due course as the due date approached.
7. In August 2005, the Applicant sort and secured an investor with funds for the future patent costs.
8. Around mid November 2005, the Applicant received a notice from the European Patent Office (Rule 69(i)) stating a loss of rights.
9. Upon enquiry with Smoorenburg in mid November 2005, shortly after receipt of the European notice, the Applicant learnt that the 30-month date of the PCT application in which to file national phase applications into various countries had passed.

10. Around 22 November 2005, a person associated with the investor's funds resigned unexpectedly.
11. Around 24 November 2005, the investor made enquiries, and found that the person who resigned noted in paragraph 10 also accessed the bank account (to which he had no bank signatory and/or authority) and stole the funds which were to be used for future patent funds.
12. This theft has subsequently been reported to the bank and the CBD Fraud Unit, Day Street Sydney. Phone Number +61 2 9265 6551. SR Constable Adam Vickery Event Number E25609336 and is currently the subject of Investigation.
13. The Bank initially advised the investor, that the funds would be reimbursed, however later the Bank reversed that decision. The Investor on making enquiries after discovering the theft discovered falsified Letters by the Bank in relation to the abovementioned account and funds. This is now the subject of on-going enquiries.
14. The Applicant is reliant on the investor for funds.
15. The investor has been seeking alternate funds from another bank. The alternate bank funds are now under control.
16. The Applicant considers the USA a very important market, and thus has always had the intention to extend the PCT application to USA and to seek a US patent.

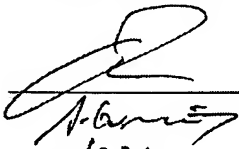
I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.



Declared at: Richmond

Dated: 25/3/06

Before me: _____


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DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

As a below named inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR PROCESSING FLUIDS

the application of which
☐ is attached hereto

OR

was filed on February 21, 2004 as
 PCT International Application Number PCT/AU2004/000211
 (Confirmation No. _____), and was amended on
 _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part application(s), material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) having a filing date before that of the application on which priority is claimed.

Prior Application Number(s)	Country	Filing Date	Priority Claimed	
			Yes	No
2003900818	AU	February 24, 2003	X	<input type="checkbox"/>
2003905305	AU	September 30, 2003	X	<input type="checkbox"/>

I hereby claim benefit under 35 United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)

Filing Date

I hereby claim benefit under 35 United States Code §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. or International Application Number(s)

U.S. or International Filing Date

Status


I hereby appoint all attorneys of **SUGHRUE MION, PLLC** who are listed under the USPTO Customer Number shown below as my attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys listed under that Customer Number may be changed from time to time at the sole discretion of Sughrue Mion, PLLC, and request that all correspondence about the application be addressed to the address filed under the same USPTO Customer Number.

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:			
Given Name (first and middle [if any]) William Ernest		Family Name or Surname BRIGGS	
Inventor's Signature 		Date 30/3/06.	
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